

AMENDED IN SENATE JUNE 17, 2014

AMENDED IN ASSEMBLY APRIL 22, 2013

AMENDED IN ASSEMBLY APRIL 10, 2013

CALIFORNIA LEGISLATURE—2013–14 REGULAR SESSION

ASSEMBLY BILL

No. 614

**Introduced by Assembly Member Chávez
(Coauthor: Assembly Member Atkins)**

February 20, 2013

An act to amend ~~Section 1012.1~~ *Sections 1012.2 and 1012.3* of the Military and Veterans Code, relating to veterans.

LEGISLATIVE COUNSEL'S DIGEST

AB 614, as amended, Chávez. Veterans' homes of California: ~~financial investigation~~ *reimbursement rates*.

Existing law provides for the establishment and operation of the Veterans' Home of California at various sites for aged and disabled veterans who meet certain eligibility requirements. ~~Existing law authorizes, prior to the admission of a veteran as a member of the home, and at any time during which the veteran is a member, the Department of Veterans Affairs to investigate the veteran's financial status to ensure that the veteran is unable to pay for the necessary hospital or domiciliary care outside of the home, as provided. Existing law requires members of the homes to pay fees and charges as determined by the department, but prohibits the total of the member's fees and charges for specified types of care for any fiscal year to be greater than a certain percentage of the member's annual income.~~

~~This bill would instead, prior to the admission of a veteran as a member of the home, require the department to review the veteran's~~

~~financial status to ensure that the veteran is unable to pay for the necessary hospital or domiciliary care outside of the home. This bill would authorize the department to promulgate and maintain regulations: provide that a veteran member of the home would not be subject to charges and fees if he or she meets specified criteria for disability status and payments by the federal Department of Veterans Affairs under specified federal regulations.~~

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 *SECTION 1. Section 1012.2 of the Military and Veterans Code*
2 *is amended to read:*

3 1012.2. (a) (1) Notwithstanding any other law, any member
4 of the home who is receiving an aid and attendance allowance
5 from the United States Department of Veterans Affairs and who
6 has no dependent spouse, child, grandchild, father, or mother shall
7 pay to the home an amount equal to that allowance in all levels of
8 care excluding domiciliary. ~~One hundred percent of the moneys~~
9 ~~received by the home under this section shall be placed to the credit~~
10 ~~of the home and shall augment the current appropriation for the~~
11 ~~support of the home.~~

12 (2) *Paragraph (1) shall not apply to a member of the home who*
13 *has a disability that has been rated by the United States*
14 *Department of Veterans Affairs as being 70 percent or more*
15 *service-connected, as determined under Part 4 of Title 38 of the*
16 *Code of Federal Regulations.*

17 (b) *One hundred percent of the moneys received by the home*
18 *under this section shall be placed to the credit of the home and*
19 *shall augment the current appropriation for the support of the*
20 *home.*

21 *SEC. 2. Section 1012.3 of the Military and Veterans Code is*
22 *amended to read:*

23 1012.3. (a) Members of the home shall pay fees and charges
24 as determined by the department, except that the total of the
25 individual member's fees and charges for any fiscal year shall not
26 be greater than as set forth in the following schedule:

27 (1) Forty-seven and one-half percent of the member's annual
28 income for domiciliary care.

1 (2) Fifty-five percent of the member's annual income for
2 residential care for the elderly or assisted living.

3 (3) Sixty-five percent of the member's annual income for
4 intermediate care.

5 (4) Seventy percent of the member's annual income for skilled
6 nursing care.

7 (b) Nonveteran spouses who become members of the home on
8 or after July 1, 2009, shall pay fees and charges based on the level
9 of care, as described in subdivision (a), or an amount equal to the
10 annual amount of federal per diem received for a veteran member
11 in domiciliary care, whichever is greater. If the nonveteran
12 member's income is less than the annual amount of federal per
13 diem for a veteran member in domiciliary care, the nonveteran
14 member shall pay a maximum of 90 percent of his or her annual
15 income.

16 (c) *Subdivision (a) shall not apply to a member of the home who*
17 *has a disability that has been rated by the United States*
18 *Department of Veterans Affairs as being 70 percent or more*
19 *service-connected, as determined under Part 4 of Title 38 of the*
20 *Code of Federal Regulations and whose related payments made*
21 *under Section 51.41 of Title 38 of the Code of Federal Regulations*
22 *are considered by the United States Department of Veterans Affairs*
23 *as payment in full for the member's care.*

24 ~~SECTION 1. Section 1012.1 of the Military and Veterans Code~~
25 ~~is amended to read:~~

26 ~~1012.1. (a) Prior to the admission of a veteran as a member~~
27 ~~of the home, the department shall review the veteran's financial~~
28 ~~status to ensure that the veteran is unable to pay for necessary~~
29 ~~hospital or domiciliary care outside of the home.~~

30 ~~(b) The department may at any time during which a veteran is~~
31 ~~a member of the home investigate the veteran's financial status to~~
32 ~~ensure that the veteran is unable to pay for necessary hospital or~~
33 ~~domiciliary care outside of the home.~~

34 ~~(c) The department may contract with any other state agency~~
35 ~~to conduct any investigation on its behalf.~~

36 ~~(d) The department may promulgate regulations to implement~~
37 ~~this section.~~